EXHIBIT A

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREA PENSION FUND, and HOWARD McDOUGALL, trustee,)	Civil Action No. 08 C 228
and)	Judge Darrah
CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS HEALTH AND WELFARE FUND and HOWARD McDOUGALL, trustee,)))	Magistrate Judge Brown
Plaintiffs,		
v.		
ACTIVE TRANSPORTATION COMPANY,		

Defendant.

LLC,

AFFIDAVIT OF JIM BARLOS

I, Jim Barlos, state as follows:

- I am the Chairman and Chief Executive Officer of Active Transportation 1. Company, LLC. Active Transportation is a well-known national trucking company that delivers new vehicles from assembly plants to ports and rail heads throughout the United States and Canada. As Chairman and Chief Executive Officer of Active Transportation, I am authorized to make these sworn statements on Active Transportation's behalf.
- In my capacity as Chairman and Chief Executive Office, I ultimately am 2. responsible for the preparation and maintenance of Active Transportation's financial records, including the records showing the contractual obligations to make contributions to the Central States Funds. These financial records are compiled from information transmitted by persons

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with knowledge, and are kept and prepared in the course of the regularly conducted business activity of Active Transportation.

- 3. I have reviewed Exhibit 1 to this affidavit, which are the Central States Funds' accounting of what the Funds claim that Active Transportation owes to the Funds in contributions as of January 10, 2008. These amounts are incorrect. As of January 10, 2008, the Funds claim that Active Transportation owes \$377,053.87 in outstanding contributions to the Pension Fund and \$135,291.39 in outstanding contributions to the Health and Welfare Fund. The true and correct copies of Active Transportation business records attached as Exhibit 2, show that Active Transportation actually owes approximately \$173,531.60 in outstanding contributions to the Central States Pension Fund and does not owe any outstanding contributions to the Central States Health and Welfare Fund as of January 28, 2008.
- Active Transportation has faced financial problems recently. These problems 4. have been caused by the dramatic downturn in the domestic auto industry. This has been especially true for Ford Motor Company, one of Active Transportation's largest customers.
- 5. My review of Active Transportation's financials shows that Active Transportation will be in a position to pay all outstanding contributions to the Central States Funds in addition to any interest and liquidated damages by the end of May of 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 28, 2008.

Jim Barlos

EXHIBIT 1

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Filed 01/14/2008

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CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND

BREAKDOWN OF CONTRIBUTIONS OUTSTANDING AS OF JANAUARY 10,2008

ACTIVE TRANSPORTATION ACCOUNT NO. 0103250-0109

TRANS. <u>NO</u>	DESCRIPTION	AMOUNT	INT. THRU 01/10/08*	PAYMENTS APPLIED	DATE POSTED	BALANCE <u>DUE</u>	
1632615	WH Adjmt 1/07 & 8/07	\$374.00	\$1.90	\$374.00	11/27/2007	1.90	
1632574	09/2007 Billing	\$182,328.40	\$728.86	\$60,000.00 122,328.40	11/09/2007 11/27/2007	728.86	
1648739	10/2007 Billing	107,249.60	1,403.70	0.00	•	108,653.30	
1662111	11/2007 Billing	115,246.40	613.41	0.00		115,859.81	
1669870	12/2007 Billing	151,810.00	0.00	0.00		151,810.00	
TOTALS		<u>\$557,008.40</u>	<u>\$2,747.87</u>	\$182,702.40	·	\$377,053.87	**

FOOTNOTES:

*Interest thru 01/10/08 computed on individual items from date due.

(A) Doubling of interest

\$2,747.87

(B) Liquidated damages, based on the unpaid contributions in the amount of 20%

\$74,861.20

^{**} A judgment entered against an employer shall include the total balance due as stated above plus an additional amount equal to the greater of:

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Filed 01/14/2008

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CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS HEALTH AND WELFARE FUND

BREAKDOWN OF CONTRIBUTIONS OUTSTANDING AS OF JANUARY 10, 2008

ACTIVE TRANSPORTATION ACCOUNT NO. 0103250-0109

TRANS. <u>NO</u>	DESCRIPTION	AMOUNT	INT. THRU 01/10/08*	PAYMENTS <u>APPLIED</u>	DATE <u>POSTED</u>	BALANCE <u>DUE</u>
1648739	10/2007 Billing	\$110,171.70	\$401.38	\$110,171.70	12/11/2007	.401.38
1662111	11/2007 Billing	115,027.40	189.51	57,513.70 57,513.70	12/27/2007 01/05/2008	189.51
1669870	12/2007 Billing	134,700.50	0.00	0.00		134,700.50
TOTALS		\$359,899.60	\$590.89	<u>\$225,199.10</u>		\$135,291.39 **

FOOTNOTES:

(A) Doubling of interest

\$590.89

(B) Liquidated damages, based on the unpaid contributions in the amount of 20%

\$26,940,10

^{*}Interest thru 01/10/08 computed on individual items from date due.

^{**} A judgment entered against an employer shall include the total balance due as stated above plus an additional amount equal to the greater of:

EXHIBIT 2

Active Transportation Company LLC 2900 S. Davis Blvd Ste B Joplin MO 64804

CENT004 Our Voucher Number 000000000000016631 ACH 12/27/07 CS H/	er	al States Pension Fund Your Voucher Number NOVEMBER 2007 HWP AGH 12/27/07 CS H/W	Date 12/14/07 12/27/07	\$172,760.10	0000000000016831 Amount Paid \$0.00	Control of the second s	Writeoff	000000001395 Net
000000000000016631	l	NOVEMBER 2007 HWP	12/14/07	\$172,760.10		Control of the second s	access and advisor of a section	Net
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ACH 12/27/07 CS H/	W	ACH 12/27/07 CS H/W	12/27/07			\$0.00	\$0.00	4
				(\$57,513.70)	\$0.00	\$0.00 \$0.00	\$0.00 \$0.00	\$0.00 \$0.00
		:		\$115,246.40	\$0.00	\$0.00	\$0.00	\$0.00

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Active Transportation Company LLC 2900 S. Davis Blvd Ste B Joplin MO 64804

Vendor ID Ve	ndor Name	Check Nam	e	Payment Number	Check Da	ite Check Nu	imber
CENT004 Ce	entral States Pension Fund	Central State	es Pension Fund	0000000000016750	12/20/07	REMIT000	0000000001376
Our Voucher Number	Your Voucher Number	Date		Amount Paid			Net
00000000000016631	NOVEMBER 2007 HWP	12/14/07	\$230,273.80	\$0.00	1	1	
ACH 12/20/07 CS H/W	ACH 12/20/07 CS H/W	12/20/07	(\$57,513.70)	\$0.00	\$0.00	\$0.00	\$0.00
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	1 1	I	\$172,760.10	\$0.00	\$0.00	\$0.00	\$0.00

Active Transportation Company LLC 2900 S. Davis Blvd Ste B Joplin MO 64804

Vendor ID	Vendo	r Name	Check Nam	ie	Payment Number	Check Da	ite Check Nu	ımber
CENT004	-cwpsusyeopato-	I States Pension Fund		es Pension Fund	0000000000016610	12/06/07		000000001339
Our Voucher Numbe	r	Your Voucher Number	Date	Amount '	Amount Paid	· · · · · · · · · · · · · · · · · · ·	Writeoff	Net
0000000000015690		OCTOBER 2007 HWP	11/13/07	\$217,421.30	\$0.00	\$0.00	\$0.00	\$0.00
00000000000016364		OCT INT HWP CS	12/05/07	\$411.14	\$0.00	\$0.00	\$0.00	\$0.00
ACH 12/5/07 CS OCT	-	ACH 12/5/07 CS OCT	12/05/07	(\$110,582.84)	\$0.00	\$0.00	\$0.00	\$0.00
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Vendor ID	Vendo	r Name	Check Nam	ie.	Payment Number	Check Da	ite Check Ni	ımber
CENT004	Centra	al States Pension Fund	Central Stat	es Pension Fund	0000000000017127	01/14/08	annen ursuner igen eriter dan dass dieselberlicht siche	0000000001432
Our Voucher Numbe		Your Voucher Number	Date	Amount			Writeoff	Net
00000000000015690		OCTOBER 2007 HWP	11/13/07	\$107,249.60	\$0.00	\$0.00	T .	\$0.00
ACH 01/10/08 CSP		ACH 01/10/08 CSP	01/10/08	(\$15,000.00)	\$0.00	\$0.00	\$0.00	\$0.00

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				\$92,249.60	\$0.00	\$0.00	\$0.00	\$0.00
				402,270.00	40.00		40.00	\$0.00

Active Transportation Company LLC 2900 S. Davis Blvd Ste B Joplin MO 64804

Vendor ID	Vendo	or Name	Check Nam	e,	Payment Number	Check Da	ate Check Nu	ımber
CENT004	Centra	I States Pension Fund	Central State	es Pension Fund	00000000000017186	1/18/2008	to be the first of the design of the second	0000000001450
Our Voucher Numbe	r	Your Voucher Number	Date	Amount	Amount Paid		Writeoff	Net
ACH 1/17/08 CS HW	Р	ACH 1/17/08 CS HWP	1/17/2008	(\$15,000.00)	\$0.00	\$0.00	\$0,00	\$0.00
0000000000015690		OCTOBER 2007 HWP	11/13/2007	\$92,249.60	\$0.00	\$0.00	\$0.00	\$0.00
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Active Transportation Company LLC 2900 S. Davis Blvd Ste B Joplin MO 64804

endor ID	finos. solvandor de	or Name	Check Nam	PRODUCT ACROSES AND PRODUCTION OF A CONTRACT	Payment Number	Check Date	e Check Nu	ımber
ENT004	Centra	al States Pension Fund	Central Stat	es Pension Fund	0000000000017341	01/28/08	REMITOO	0000000001476
ur Voucher Numbe	er .	Your Voucher Number	Date	Amount	Amount Paid Di	scount \	Writeoff	Net
0000000000015690)	OCTOBER 2007 HWP	11/13/07	\$77,249.60	\$0.00	\$0.00	\$0.00	\$0.
0000000000017336	;	ACH 01/24/08 CENTRAL	01/24/08	(\$15,000.00)	\$0.00	\$0.00	\$0.00	\$0.
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\$62,249.60

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Active Transportation Company LLC 2900 S. Davis Blvd Ste B Joplin MO 64804

Vendor ID	Vendo	or Name	Check Nam	e	Payment Number	Check Da	ite Check Nu	mber
CENT004	NAMES OF STREET	al States Pension Fund	CONTROL SECTION AND ASSESSED.	es Pension Fund	0000000000017344	01/28/08	ACTUAL CONTRACTOR CONT	0000000001478
Our Voucher Numbe	r	Your Voucher Number	Date	Amount				Net
0000000000015690		OCTOBER 2007 HWP	11/13/07		3,964140 \$0.00	\$0.00	\$0.00	\$0.00
0000000000017060		DECEMBER 2007 HWP	01/11/08	\$111,282.00	\$0.00	\$0.00	\$0.00	\$0.00
00000000000017343		ACH 01/28/08 CENTRAL	01/28/08	(\$115,246.40)	\$0.00	\$0.00	\$0.00	\$0.00
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				\$58,285.20	\$0.00	\$0.00	\$0.00	\$0.00
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